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ROCCO L. ADORNATO
C/O WEST CORPORATION
11808 MIRACLE HILLS DR.
MAIL STOP: W11-LEGAL
OMAHA, NE 68135

EXAMINER

IRSHADULLAH, M

ART UNIT PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

PK

Office Action Summary

Application No.

09/437,833

Applicant(s)

COOK ET AL

Examiner

M. Irshadullah

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 1999 and 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2163

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

a) Page 3, line 19; “ schedule algorithms as know ” should read “ schedule algorithms as known ”;

b) Page 5, line 14: “ schedule ” should be “ scheduled ”.

Appropriate corrections as mentioned above and others throughout the specification are appreciably required for the benefit of the Patent Community.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 5-6, 16-21, 23, 25-38, 40-44, 46-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Castonguay et al (US Patent 5,911,134).

Castonguay et al show:

Claim 1. An system for maintaining and distributing a work scheduling [Title, col.

1, lines 63-67 continue col. 2, lines 1-2 and col. 6, lines 30-32] comprising:

Art Unit: 2163

a) a schedule generator configured to generate work schedule data for a plurality of workers [Fig. 3 (37), col. 7, lines 11-12, Fig. 4 (54), col. 8, lines 17-19, col. 5, lines 57-61];

b) a database in communication with said schedule generator for storing said work schedule data [Fig. 4 (56 and 54), col. 8, lines 17-19]; and

c) at least one employee interface positioned at one or more locations within a work environment [Fig. 1 (24 and 22a-22n) described col. 5, line 55 through col. 6, line 15], wherein said at least one employee interface is in communication with said schedule generator and is configured to display work schedule data [Fig. 1 (24 in 22a-22n communicating with 16 or 18 in 12 and 14], col. 5, lines 39-57, Fig. 4 (24 interacting with 54, 56 via bidirectional arrow)].

Claim 2. The system of Claim 1 wherein said work schedule data comprises data regarding employee work schedules that are not generated around one or more predetermined work shifts [Col. 2, lines 50-53, col. 8, lines 12-14 and 15-19].

Claim 3. The system of Claim 1 further including a display monitor configured to display work schedule data to a plurality of workers [Fig. 4 (24, 56), col. 5, lines 55-61 and 61-63. It will be realized that schedule database 56 is the part of computer 12 having databases 16 and 18].

Art Unit: 2163

Claim 5. The system of Claim 1 further including a remote user interface in communication with said database to facilitate access by a remote user [Fig. 1 (24 in 22a-22n communicating with 16 or 18 in 12 or 14) and col. 5, lines 64-66].

Claim 6. The system of Claim 1 wherein said employee interface comprises a networked computer having software to facilitate access to said work schedule data [Fig. 1 (24 in 22a-22n networked with 12 via 26a-26n), col. 6, lines 8-15].

Claim 16. A method for distributing and modifying a work schedule comprising:

- a) storing work schedule data in a database [Fig. 4 (56), col. 8, lines 17-19], wherein said work schedule data defines the work schedules of a plurality of employees [Col. 7, lines 57-63 read with col. 5, lines 57-61];
- b) providing employee access to said work schedules at one or more terminals [Fig. 4 (56 to 24), col. 2, lines 59-63 and 64] at one or more locations within a place of business [Fig. 1 (workstations 24 in 22a-22n), col. 5, lines 55-57 and 64-66];
- c) creating opportunities for employees to modify their work schedule [Col. 16, lines 36-37, col. 17, lines 41-47 and col. 16, lines 13-15]; and
- d) transmitting said opportunities to said one or more terminals [Fig. 1 (Information communicated from 12 to 24 in 22a-22n via 26a-26n), col. 5, lines 55-57 and col. 8, lines 8-15] wherein at said one or more terminals employees may access their work schedule to sign-up for

Art Unit: 2163

said opportunities to modify their work schedule [Col. 2, lines 59-62, col. 16, lines 22-23 and 12-15. Applicant will appreciate that reference's workstation 24 would be used to log in/sign up for modifying the schedule(s)].

Claim 17. The method of Claim 16 wherein said modify their work schedule comprises signing up to work additional hours or signing up to work fewer hours [Col. 2, lines 50-53 (preferences). Applicant will appreciate that agent's preferences would encompass the choice of sign up for claimed purpose].

Claim 18. The method of Claim 16 wherein said creating opportunities comprises generating sheets and displaying said sheets on at least one of an overhead display or at least one of a terminal [Fig. 5, col. 5, lines 3-4 in conjunction with lines 1-3. Applicant will appreciably realize that a template is nothing but a sheet and the same would be depicted at workstation 24 of Figs. 1 and 4].

Claim 19. The method of Claim 16 further including the steps of;

a) establishing a pool to which employees may post shifts that are available for trade [Col. 5, lines 57-63 and lines 47-54. Applicant will appreciate that reference's system, Fig. 1, would be used to enter/post the claimed information];

Art Unit: 2163

b) allowing employees to post shifts to said pool [Col. 2, lines 48-49, Col. 8, lines 8-11, 14-21, Fig. 8 described col. 13, line 46 through col. 14, line 37];

c) allowing employees to accept shifts from said pool [Fig. 5, (Title: TOUR TEMPLATE and Option Yes under WORK DAYS), col. 8, lines 1-4];

d) modifying [Col. 16, lines 13-15, claim 2, col. 2, line 6, claim 3, line 17] said employee work schedules based on said posting to said pool and said acceptance of shifts from said pool [Applicant will appreciate that reference's modify function would be used for claimed purpose/limitation].

Claim 20. The method of Claim 19 wherein said pool comprises a listing stored on said database of proposed shift changes posted by employees [Fig. 5, col. 8, lines 3-4, col. 8, line 19 and col. 2, lines 63-66].

Claim 21. The method of Claim 19 further including displaying said shifts posted to said pool on a display for viewing by a plurality of employees [Fig. 1 (24 in 22a-22n), Fig. 5, col. 8, lines 3-4, col. 2, line 49].

Claim 23. The method of Claim 16 further including the steps of:

Art Unit: 2163

a) modifying said employee schedules [Col. 16, lines 12-15] in responses to an employee signing-up for said opportunities for employees to modify their work schedule [Reference's modify function would be used for claimed limitation/purpose]; and

b) storing said modified schedules in said database [Col. 2, lines 63-66 and col. 8, lines 17-19].

Claim 25. A method for modifying a schedule to account for changes in workload comprising:

a) creating a sheet having one or more slots for a work shift [Fig. 3 (27 or 37), col. 6, 37-39, col. 7, lines 11-12, col. 8, lines 1-3, Fig. 5 (spaces/slots under Minimum, Maximum etc. Weekly: DAYS: 5, HOURS: 40 etc., col. 8, lines 3-4, 15-19. Applicant will appreciably realize that reference's template or schedule were nothing but sheets when displayed on a workstation or output through other device(s), like printer; and also, both template and schedule ought to have spaces/slots to be used by the user/employee etc.];

b) transmitting said sheet for viewing by a plurality of employees [Fig. 1 (12 to 24 in 22a-22n via 26a-26n), col. 5, lines 55-57, col. 2, lines 60-62, 63-64];

c) monitoring [Col. 2, lines 59-62 and 65] for a sign-up to a slot on said sheet by a signing-up employee [Applicant will appreciate that reference's viewing or monitoring functions would be used for claimed purpose/limitation]; and

upon detecting a sign-up to said sheet:

Art Unit: 2163

- d) accepting said sign-up onto said sheet [Fig. 5 (option YES under WORK DAYS);
- e) modifying [Col. 16, line 14] said sheet to reflect said sign-up [Applicant will appreciate that reference's modify function would be used for claimed purpose/limitation];
- f) modifying [Col. 16, line 14] said signing-up employee's schedule to reflect said sign-up [Applicant will appreciate that reference's modify function would be used for claimed purpose/limitation].

Claim 26. The method of Claim 25 wherein creating a sheet comprises using a computer to create a sign-up page having one or more sign-up slots to increase or decrease the number of workers scheduled to work during a particular period [Fig. 3 (27 or 37), Fig. 5 (spaces/slots under Minimum/Maximum Weekly columns. Applicant will appreciate that Fig. 5 template and slots/spaces therein would be named as sign-up page and sign-up slots/spaces].

Claim 27. The method of Claim 25 wherein said sign-up comprises an employee signing up on a slot to either work said work shift on the sheet or take off the particular work shift on the sheet [Fig. 5 (options NO, YES, CAN under WORK DAYS. Option YES would indicate worker would work and NO would indicate that work would not be able to undertake/take off the work shift].

Art Unit: 2163

Claim 28. The method of Claim 25 wherein transmitting further comprises showing said sheet to only employees qualified to work said work shift listed on said sheet [Col. 14, line 1. It needs be mentioned a work is assigned to a worker who has requisite experience/qualification in the field/work].

Claim 29. The method of Claim 25 further including closing said sheet if all of said one or more slots are filled due to sign-ups [Inherent, since final step (closing the sheet) is taken when requisite information is entered/inserted (slots filled)].

Claim 30. The method of Claim 25 wherein posting comprises displaying said sheet on at least one over head display or making said sheet available via an employee interface [Fig. 1 (24 in 22a-22n) and Fig. 4 (24 retrieving schedule/sheet via bidirectional arrow means). Workstation 24, when mounted on a bracket/wall etc. would function as overhead display].

Claim 31. A method for employees to change their work schedule using a scheduling system comprising:

a) creating a proposed shift trade, said proposed shift trade including at least posting employee shift information regarding shift hours and shift date [Col. 16, lines 36-37, col. 17, lines 41-47 and Fig. 5];

Art Unit: 2163

b) posting said proposed shift trade to a shift pool, said shift pool configured to accept responses to said posting from other employees [Fig. 5, col. 8, lines 3-4 recited with col. 17, lines 41-55. Applicant will appreciate that built information is sent/pooled to central computer handler (Fig. 10, 124) which then is distributed to work stations 24 (Fig. 1)];

c) displaying said shift pool to a plurality of other employees [Fig. 1 (24), col. 5, lines 55-57, Fig. 10 (102), col. 16, lines 20-23];

d) monitoring said shift pool for a response from at least one responding employee to accept said proposed shift trade [Col. 2, lines 59-62, Fig. 5 (option YES under WORK DAYS and col. 14, lines 25-26. Applicant will appreciate that monitoring function would be used for monitoring response from the accepting employees]; and

w hereby upon receiving said response, said method:

e) accepts said response [Col. 20, lines 5-6];

f) updates the work schedules of said posting employee and said responding employee [Col. 4, lines 23-26 read with Fig. 4 (56), col. 8, lines 17-19. Applicant will appreciate that referenced update function would be used for claimed limitation/purpose]; and

g) removes said proposed shift trade from said shift pool [Col. 4, lines 1-3, Fig. 5 (F6-Delete). It needs be mentioned that edit with delete function or Fig. 5's delete function would be used to delete/remove the claimed shift trade].

Art Unit: 2163

Claim 32. The method of Claim 31 wherein said shift pool comprises a listing of proposed shift trades that can be viewed by employees seeking to modify their schedule [Fig. 5 (Title: TOUR TEMPLATE), col 2, lines 48-50, claim 3, lines 17 and 12-13].

Claim 33. The method of Claim 31 wherein said posting allows other employees to view and sign-up for said proposed shift trade [Col. 2, lines 59-62. Applicant will appreciate that reference's view function would be used for claimed purpose].

Claim 34. The method of Claim 31 further including the step of displaying to an employee on an employee interface only the proposed shift trades that said employee on an employee interface is qualified to perform [Col. 2, lines 65-66 and Fig. 1 (24), col. 5, lines 55-57. Applicant will appreciate that display function would be used for claimed limitation].

Claim 35. The method of Claim 31 wherein creating a proposed shift trade comprises:

a) logging onto said scheduling system at an employee interface [Inherent, since log in is the first basic step for any computer user]; and

b) selecting which shift hours of a proposed shift trade said posting employee desires to post [Col. 18, lines 51-54, Fig. 5 (HOURS: 40:00 etc.). Applicant will appreciate that reference's choosing or select function would be used for claimed purpose].

Art Unit: 2163

Claim 36. A method for taking employee attendance in a work environment having a plurality of employees comprising:

a) obtaining employee schedule data from one or more scheduling systems [Fig. 4 (24s receiving/retrieving schedule from 56 as indicated by bidirectional arrow), col. 5, lines 55-57 and Fig. 1 (22a-22n), col. 5, lines 56-66, col. 6, lines 32-33], said employee schedule data indicating the dates and times particular employees are scheduled to work [Fig. 5, col. 8, lines 3-4, Fig. 8 described col. 13, line 20 through col. 14, line 46];

b) obtaining employee status data regarding which employees are at work [Fig. 8 (66), col. 13, line 66 through col. 14, line 15];

c) comparing said employee schedule data and said employee status data [Col. 7, lines 63-67, Fig. 8 (66), col. 13, line 66 through col. 14, line 15] to determine at least which scheduled employees are not present [Applicant will appreciate that compare and status functions would be used for claimed purpose]; and

d) storing said results of said comparing [Fig. 1 (16, 18), col. 5, lines 47-54].

Claim 37. The method of Claim 36, wherein said obtaining employee schedule data [Fig. 4 (24 receiving/retrieving data/information from 56) comprises polling a database [Workstation 24 has to quarry/poll 56 to get the requisite information] to obtain schedule data created by said one or more scheduling system.

Art Unit: 2163

Claim 38. The method of Claim 36, wherein obtaining employee status data [Fig. 8 (66), col. 13, line 66 through col. 14, line 1 and 25-26] comprises interfacing with a network computer system to determine which employees are utilizing said network computer system [Applicant will appreciate that status function would be used for claimed requirement/purpose].

Claim 40. The method of Claim 36 wherein comparing further comprises determining which employees are at work although not scheduled to work [Col. 14, Table (2, overtime). It needs be mentioned that overtime is unscheduled/not scheduled presence at work of a worker].

Claim 41. A method for scheduling a plurality of employees comprising:

- a) for a first employee, assigning at least one shift start time and at least one shift stop time for each of one or more work days based on the particular needs of the employer or the desires of the employee [Fig. 5 in conjunction with Fig. 8 (Light, Connie), described respectively col. 8, lines 3-4 and col. 13, line 20 through col. 14, line 46, col. 2, lines 50-53, 55-58];
- b) for a second employee, assigning at least one shift start time and at least one shift stop time for each of one or more work days based on the particular needs of the employer or the desires of the employee [Fig. 5 in conjunction with Fig. 8 (Waters, Karen), described

Art Unit: 2163

respectively col. 8, lines 3-4 and col. 13, line 20 through col. 14, line 46, col. 2, lines 50-53, 55-58]; and

c) for a plurality of other employees, assigning at least one shift start time and at least one shift stop time for each of one or more work days based on the particular needs of the employer or the desires of the employee [Fig. 5 in conjunction with Fig. 8 (all names listed under 61), described respectively col. 8, lines 3-4 and col. 13, line 20 through col. 14, line 46, col. 2, lines 50-53, 55-58];

d) wherein said start times and stop times [Fig. 5 (Earliest Start, Latest End times) for said first, said second and said plurality of other employees are not confined to predefined work shifts [Fig. 8 (Names under 61), col. 8, lines 12-17].

Claim 42. The method of Claim 41 wherein said predefined work shifts comprises division of the day into three 8-hour shifts [Fig. 5 (DAYS: 5, HOURS: 40:00)].

Claim 43. The method of Claim 41 wherein said predefined work shifts start and stop at generally the same time [Inherent, since in shift environment each shift has to end/stop at a prespecified/same time].

Claim 44. A scheduling apparatus for creating and displaying a work schedule comprising:

Art Unit: 2163

a) means for creating a schedule for each of a plurality of employees [Fig. 3 (37), col. 7, lines 11-12, Fig. 4 (54), col. 8, lines 17-19];

b) means for storing said schedule as schedule data [Fig. 4 (56), col. 8, lines 17-19];

c) means for allowing said employees to view said schedule data at a remote location [Fig. 4 (24), col. 5, lines 55-57, col. 2 lines 59-62 and 65-66, col. 5, lines 64-66];

d) means for retrieving said schedule data from said means for storing [Fig. 1 (24 in 22a-22n), col. 5, lines 55-57, Fig. 4 (25 retrieving/receiving schedule data from 56 as indicated by bidirectional arrow)]; and

e) means for displaying said schedule data to at least one of said employees at said remote location [Fig. 1 (24 in 22a-22n), col. 2, lines 63-66, col. 5, lines 55-57, Fig. 4 (24)].

Claim 46. The scheduling apparatus of Claim 44 further including means for posting one or more sheets [Fig. 3 (27 or 37), col. 6, lines 37-39, col. 7, lines 11-12, Fig. 5, Fig. 1 (24), col. 2, lines 63-64] for display to said employees [Col. 2, lines 63-64] whereby said one or more sheets comprise a request to employees to optionally sign-up for increased or decreased work hours as specified on said one or more sheets [Col. 2, line 53 (preferences). Applicant will appreciate that more than one template or schedule would be generated and displayed/posted which would provide function keys, like F3, F4, F6 (Fig. 5), icons/buttons to facilitate employees' sign-up].

Art Unit: 2163

Claim 47. The scheduling apparatus of Claim 44 further including means for posting employee initiated shift trade requests for viewing and sign-up by said one or more employees [Fig. 3 (27 or 37), col. 6, lines 37-39, col. 7, lines 11-12, Fig. 5, Fig. 1 (24), col. 2, lines 63-64 and col. 2, lines 59-62].

Claim 48. The scheduling apparatus of Claim 44 further including means for comparing [Col. 7, lines 63-64 and Fig. 8 (61, 66), col. 13, lines 21 and 66 through col. 14, line 15] schedule data regarding employees that are scheduled to be working and worker status data regarding employees that are actually at work to determine which employees are scheduled but not working [Col. 14, (Table: Overtime) It needs be mentioned that overtime is unscheduled/not scheduled presence at work of a worker].

Claim 49. A computer program product comprising a computer usable medium having computer program logic recorded thereon [Fig. 1 (16, 18), the databases comprise devices, such as HD, CD, Diskette etc. as storage means which have programs recorded thereon] for providing an automated employee schedule distribution system for use by an entity to distribute employee schedules to assist in the modification of employee schedules, said computer usable medium comprising:

Art Unit: 2163

a) computer program code logic configured to store schedule data on a storage medium [Col. 13, lines 48-49, Fig. 4 (56), col. 8, lines 17-19], wherein said schedule data comprises the work schedules of a plurality of employees [Figs. 5 and 8];

b) computer program code logic configured to monitor [Col. 13, lines 48-49, col. 2, lines 63-66], for requests for said employee data from employees at employee interfaces [Referenced [Monitoring program/function would be used for claimed purpose];

c) computer program code logic configured to transmit said employee data to said employee interface [Col. 13, lines 48-49, col. 5, lines 55-57, Fig. 8 (56 sending data to 24 as indicated by bidirectional arrow];

d) computer program code logic configured to allow for establishment of at least one sheet containing slots [Col. 13, lines 48-49, Fig. 3 (27 or 37), Fig. 5 (spaces/slots under Minimum/Maximum Weekly columns], for employees to sign up for additional or reduced hours [Applicant will appreciate that above cited Fig. 5 template and slots/spaces therein would be named as sign-up page and sign-up slots/spaces for claimed limitation/purpose];

e) computer program code logic configured to display said at least one sheet to at least one employee [Col. 13, lines 48-49, Fig. 1 (24 in 22a-22n), col. 5, lines 55-57 and 63-64]; and

f) computer program code logic configured to accept employee sign up to said at least one sheet Col. 13, lines 48-49, Fig. 5 (option YES under WORK DAYS)].

Art Unit: 2163

Claim 50. The computer program product of Claim 49 wherein said storage medium comprises a hard disk drive [Fig. 1 (16, 18), either database would comprise storage means/device including HD].

Claim 51. The computer program product of Claim 49 further including computer program code logic configured to allow a posting employee to post proposed shift trades to a shift pool [Col. 5, lines 57-63 and 47-54].

Claim 52. The computer program product of Claim 51 further including computer program code logic configured to display said shift pool so that employees other than posting employees can view said proposed shift trades and sign-up to work shifts in said shift pool of proposed shift trades [Col. 13, lines 48-49, Fig. 1 (24 in 22a-22n), col. 5, lines 55-57, col. 2, lines 63-64, 59-62. Applicant will appreciate that reference's workstation 24 and view factions would be used by any employees including those who did not enter/input/post].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2163

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Bonner et al (US Patent 5,842,182).

In the following claim:

Claim 4. The system of Claim 1 further including an attendance module configured to utilize said work schedule data and data regarding which workers are present in the work place to determine worker attendance.

Castonguay et al show et al do not explicitly show:

an attendance module.

However, Bonner et al teach the same [Col. 3, lines 15-17 recited with lines 36-37, 44-45 and 46-48].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's feature into Castonguay et al's invention, because it would facilitate to advantageously employ/use the technique/program in vogue.

In the undernoted claim:

Claim 7. The employee interface of Claim 6 wherein said employee interface further includes a printer.

Castonguay et al do not show:

printer.

Art Unit: 2163

However, Bonner et al teach the same [Col. 3, lines 32-34].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's feature into Castonguay et al's invention, because it would facilitate to advantageously employ/use the prevalent device/means for printing.

In the claim below:

Claim 39. The method of Claim 36 further including the steps of communicating results of said comparing to a violations sub-module.

Castonguay et al do not show:

violations sub-module.

However, Bonner et al teach the same [Fig. 2 (52), col. 4, lines 5-12. It needs be mentioned that accumulation (of exceptions), line 7, indicates the existence of violations sub-module].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's feature into Castonguay et al's invention, because it would facilitate to advantageously employ/use the available technique/program/module.

In the undermentioned claim:

Claim 45. The scheduling apparatus of Claim 44, further including means for printing said schedule upon request of one of said employees.

Castonguay et al do not show:

Art Unit: 2163

means for printing.

However, Bonner et al teach the same [Fig. 1 (22), col. 3, lines 33-34. It needs be mentioned that printing means would print the schedule on user/employee's request.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the available device/means.

6. Claims 8-12, 14, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Client/server: HR's Helping Hand? (hereinafter HR).

Castonguay et al show:

Claim 8. A system to distribute a work schedule to a work force and allow for modifications to said work schedule [Col. 2, lines 59-62, col. 16, lines 12-15, 28-32], comprising:

- a) at least one data storage device to store schedule data [Fig. 4 (56), col. 8, line 19];
- b) at least one computing device in communication [Fig. 1 (24, 12), col. 5, lines 55-57, col. 6, lines 8-15, claim 1, col. 20, lines 58-60, 63-64] with said at least one data storage device to organize, oversee distribution, and modify said schedule data [Claim 1, elements a-d (specifically col. 20, line 61, col. 21, lines 10-21), col. 22, lines 6-7]; and

Art Unit: 2163

In the following element Castonguay et al show all limitations except “ kiosk useable to propose changes ”:

c) at least one kiosk located remote from said computing device [Fig. 1 (12), col. 5, lines 40-41], said at least one kiosk in communication with said computing device to provide an interface for a worker to view their work schedule [Fig. 4 (56), col. 8, line 9] or propose changes to their work schedule.

However, HR teaches kiosk [Page 2, para III, lines 2-6, page 3, para II, lines 3-12, para V, lines 6-10].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the available device/means and function thereof.

Claim 9. The system of Claim 8 wherein said at least one kiosk includes a display and user interface software [Inherent, since a display and software are essential elements of a kiosk].

Claim 10. The system of Claim 8 further including an overhead display monitor in communication with said computing device to display schedule information to a plurality of workers [Inherent, either Castonguay et al's workstation 24 or HR's Kiosk, when mounted on a

Art Unit: 2163

bracket/wall would function as overhead display monitor and would communicate with either systems central or other computers].

Claim 11. The system of Claim 8 further including an interface with an activity monitoring device [Castonguay et al: Col. 2, lines 59-63. It needs be mentioned that monitoring function would be stored/recorded on some storage/recording medium, such as 16 or 18] in communication with said computing device to determine the presence of a worker at a place of work [Fig. 1 (24 in 22a-22n communicating with 12 via 26a-26n)].

Claim 12. The system of Claim 8 further including an interface with an activity monitoring device [Castonguay et al: Col. 2, lines 59-63 as explained above and col. 3, lines 6-8] in communication with said computing device to monitor the activity of a worker at a place of work.

Claim 14. The system of Claim 8 wherein said kiosk comprises a networked computer having software configured to provide an employee interface [Inherent, since kiosk has to communicate with a remote computer, it has to have networking capability and software essential for its functioning].

Art Unit: 2163

Claim 15. The system of Claim 8 wherein said data storage device comprises a hard disk drive [Inherent, since a computer has to have some kind of storage including HD].

In the following claim:

Claim 22. The method of Claim 16 wherein said one or more terminals comprise one or more overhead display monitors and one or more kiosks.

Castonguay et al show: one or more terminals [Castonguay et al: Fig. 1 (24s in 22a-22n). It needs be mentioned that when workstations/monitors would be mounted on a bracket/wall, would function as overhead displays], yet

Castonguay et al do not show:

kiosks.

However, HR teaches the same [Page 2, para 2, line 2].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the prevalent device/means.

Claim 24. The method of Claim 18, wherein said terminal comprises a kiosk [Please see discussion of applicant's claim 22 above].

Art Unit: 2163

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Client/server: HR's Helping Hand? (hereinafter HR) and in further view of Bonner et al (US Patent 5,842,182) .

In the following claim:

13. The system of claim 11 wherein said monitoring device comprises an electronic time clock.

Both Castonguay et al and HR fail to teach:

electronic time clock.

However, Bonner et al teach the same [Fig. 2 (32), col. 3, lines 36-38].

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the device/means in practice.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Krenzke et al., US Patent 6,338,097. Cross Application Time Sheet For Communication With One or More Enterprise Management Applications During Time Data Entry.

B) Peterson, US Patent 6,073,108. Task-Based Classification And Analysis System.

Art Unit: 2163

C) Kao et al., US Patent 6,070,177. Database Forms With Attached Audit History.


D) Rasansky et al., US Patent 5,960,4062. Scheduling System For Use Between Users On The Web.

E) Kida, US Patent 5,907,829. Schedule Management System And Recording Medium.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on M-F from 11:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax numbers for the organization are (703) 746-7239 and for after Final (703)746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.


M. Irshadullah

April 10, 2002


KYLE J. CHOI
PRIMARY EXAMINER
Art Unit 2163